

REMARKS

Reconsideration of the rejection of claims 1, 4-6, 14, 15, 19, 20, and 28-33 rejected under 35 U.S.C. §102(b) as being anticipated by Diaz et al., is requested for the following reasons.

Claim 1 recites "a back surface of RF shielding material". See claim 1, line 4. Of course, the well known abbreviation "RF" stands for "Radio Frequency". A similar recital appears in claim 15 at line 4, in claim 19 at lines 5-6, in claim 28 at lines 12-13 and in claim 33 at line 5.

Contrary to the assertion of the Examiner, Diaz et al., does not disclose a protection apparatus or packaging comprising any RF shielding material. Indeed, neither the abbreviation "RF" nor the phrase "radio frequency" appears in the Diaz, et al., patent. The packaging of Diaz et al., protects electronics from moisture, not from RF radiation. For example, Diaz, et al., states:

"The invention [of Diaz, et al.] pertains to the environmental sealing of active electronics by means of an environmentally protecting flexible packaging material including a moisture barrier therein combined with a sealed connector system which protects the electronics . . .". See col. 2, lines 56-60 of Diaz, et al.

"More specifically, the sealed electronics packaging 100 includes a sheet 10 of an environmentally protecting moisture insensitive material formed into a tube that is sized to accept an active electronics board 1000". See col. 4, lines 12-16 of Diaz, et al.

"Once this seal is complete the active electronics 1000 is protected from the effects of moisture and other pollutants". See col. 4, lines 52-54 of Diaz, et al.

Furthermore, the invention includes a cover for limiting the *escape* of RF radiation *from* an RF radiation treatment applicator (electronics) within the cover. See claim 1, lines 1-3 of the application. On the other hand, Diaz, et al., does not disclose an apparatus for preventing the escape of anything from the electronics. The protection apparatus or packaging of Diaz, et al., includes a moisture barrier for preventing *ingress* of moisture and other pollutants *toward* the electronics. For example, Diaz, et al., states as follows:

"The layers of material 10 and particularly the preferred embodiments are described in FIG. 2, and generally must resist the *ingress of moisture* resist puncture by any sharp protrusion and maintain its integrity for the life of the product. Any laminate or substrate material capable of resisting puncture, withstanding chemical environments, and temperature extremes while maintaining a high level of protection against *moisture ingress* and other environmental hazards and the like is suitable for use in this invention." See col. 5, lines 3-11 of Diaz, et al. Emphasis added.

Contrary to the assertion of the Examiner specifically regarding claim 19, Diaz, et al., does not disclose an RF generating system.

The examiner indicated that claims 7-13 and 16-18, objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. However, in view of the arguments set forth above, the respective base claims, claims 1 and 15, should be allowed.

Also by this amendment, new claim 34 is added to particularly point out and distinctly recite certain features of the invention. In particular, the apparatus in accordance with the invention includes a cover and has means for sealing the open end of the cover to prevent RF radiation from emanating from the open end of the cover.

In view of the foregoing review of the teachings contained in the applied art and the correlation of such teachings with the subject matter of the claims, it is believed that the application is in condition for allowance. Applicant requests that a timely Notice of Allowance be issued.

Charge any additional fees or credit overpayment to Deposit Account No. 03-0088. This document is submitted in **DUPLICATE**.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'C. Robert von Hellens', is written over the printed name.

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